

Consumer Alert

Providing consumers with knowledge to make informed choices and decisions.

Celebrating 30 Years of Service

A Publication of the South Carolina Department of Consumer Affairs

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If you would like to receive a free subscription to the *Consumer Alert*, e-mail consumer_alert@dca.state.sc.us

GOING BACK TO SCHOOL? EDUCATE YOURSELF ABOUT SCAMS TARGETING STUDENTS!

- ☞ **Long-distance telephone cards:** watch out for cards that provide less time than they promise, or that have added charges and fees attached to them. Using a calling card can be a wonderful convenience, but make certain of the terms and costs of the card and plan you buy.
- ☞ **Modeling and talent agency pitches:** so-called talent and modeling agencies lure students and young people and their parents in with promises of fame and lucrative modeling careers. Unfortunately, some of these agencies are fly-by-night operations, or require large amounts of money up front for portfolio or processing costs. Read any contracts before signing them, and beware of high-pressure tactics.
- ☞ **Book and music clubs that send unordered merchandise:** if someone sends you something you did not order, you DO NOT HAVE TO PAY FOR IT. Keep it and consider it a gift, or send it back.
- ☞ **"Easy" credit:** beware of high-interest credit cards and short-term loans. Not knowing how to handle debt while young can mean massive amounts of debt in the future, or even bankruptcy. Learning how to build credit (paying one's existing bills on time helps) is more than getting a credit card or high-interest, short-term loan.

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www.sccconsumer.gov

Recall on Infant and children's overalls

There has been a voluntary recall of about 31,000 Carter's infant and children's overalls. The center plastic of the decorative snaps on these garments can detach, posing a choking hazard. The overalls are pink corduroy with decorative snap fasteners. The light pink overalls style (435-092) has a floral embroidery design on the chest. The dark pink style (435-646) has a single patch pocket on the chest. The Infant and children's overalls style (435-646) were sold exclusively through Carter's store from July 2004 through March 2005 for approximately \$26. Style (435-092) was sold through Carter's store and other retail chains from August 2004 through March 2005 for approximately \$28. For more information about the recall, contact Carter's at 1-866-999-1802 or visit www.carters.com.



Be on the Lookout for "Wardriving"!



"Wardriving" is a way for hackers to find wireless computers to attack. Wardivers drive around with laptops, inexpensive antennas and software that can detect the presence of a wireless network within about 300 feet and pinpoint its location using a global positioning device. Look for more information on wardriving and other scams in the September issue of the SCDCA *Fraud Alert*.

Buyer

Questions About a Business?

e The South Carolina Department of Consumer Affairs' Buyer Beware List has answers. Check the list at http://www.sccconsumer.gov/buyer_beware_list.pdf in order to protect yourself as a consumer of products and services in South Carolina.

w You can contact the South Carolina Department of Consumer Affairs at www.state.sc.us/consumer, (803)734.4200, (800) 922.1594 (toll free in South Carolina), or 3600 Forest Drive, P.O. Box 5757 Columbia SC 29250.

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About the South Carolina Department of Consumer Affairs:

Established by the Consumer Protection Code in 1974, The South Carolina Department of Consumer Affairs represents the interests of South Carolina consumers. Our mission is to protect consumers from inequities in the marketplace through advocacy, mediation, enforcement and education. For more information, visit www.sccconsumer.gov.



Ten Important Things To Be Aware of In Preparing for An Administrative Law Hearing

by Judge Marvin F. Kitrell, Chief Judge
Guest Editor

1. **"HEAR TODAY, GONE TOMORROW!"** When you receive notice of a hearing, personally read it for the date, time, and place. Check your calendar immediately; if you have a conflict, be sure to notify the judge and other party by telephone and in writing and ask for a continuance. If you fail to go to a hearing, it most probably will not be reset by making a telephone request. If you miss a hearing or if you seek a continuance, make sure you have a good reason. They are granted for good cause only! Maintaining good credibility with the judge is very important!
2. **"WATCH ME PULL A RABBIT OUT OF MY HAT!"** Be Prepared! Take all important documents and provide all important testimony at the hearing. Prepare copies for the judge and opposing party of all documents you intend to produce. Judges normally close the record after the hearing and may not let evidence in later.
3. **"MY WITNESS HAD A FLAT TIRE ON THE WAY TO THE HEARING!"** Don't tell the judge at the hearing that you could have brought a witness who "would testify that..." If a witness may be helpful to your case, bring him. The judge needs to observe him and listen to his testimony. Remember, you can subpoena witnesses. Look for guidance in S.C. Code Ann. §1-23-320 (Supp.2003).
4. **"TABLE FOR TWO."** Do not take chewing gum, food, or beverages into the hearing room. Turn off the cell phone before you enter the hearing room. Water is provided for the parties, legal counsel, and witnesses. If the judge allows recesses, return timely to the hearing room at the time requested by the judge.
5. **"EXTRA, EXTRA, READ ALL ABOUT IT!"** The judge has discretion to allow prepared testimony. Be familiar with the rules of procedure. Complex testimony oftentimes is best introduced in written form. If used, the witness must be present for examination and for credibility determinations by the judge.
6. **"CURB YOUR ELEPHANT."** Copies of original items or documents may be brought to the hearing. However, make sure they will fit in an 8 1/2 inch folder. Use large documents such as blueprints, charts, etc. as "demonstrative evidence" to assist the court and the parties. Make copies of all items to be introduced; substitute copies for original documents when necessary or requested by the court. Smaller documents facilitate the court in preparing the record on appeal.
7. **"AND NOW FOR SOMETHING DIFFERENT..."** Read the pamphlet that comes with the notice of hearing. If you represent a party, show it to him or her. Visit the website to learn the rules of procedure and become familiar with the judge who will conduct the hearing.
8. **"HEY, GOOD BUDDY!"** Be respectful of the administrative process and judge. Address the judge as "Your Honor", "Judge" or with some other form of respect. Do not address the judge or other hearing officer by his or her first name.
9. **"WELL, ISN'T THAT SPECIAL?"** The hearing is the time for parties to speak their positions and explain their differences before a neutral third party, the judge. It is not a time to use profanity, get loud, emotional, or be disruptive. Acting in that manner may cause you to be removed from the hearing room or be subject to sanctions. Being loud does influence the judge. Parties must air their differing views through the calm presentation of witness' testimony and the submission of items into evidence. Be respectful and courteous to all when inside the hearing room.
10. **"SAY GOODNIGHT."** Hearings are held Monday through Friday during normal working hours. Do not assume that a hearing will continue past 5:00 p.m. Each judge tries cases differently. Prepare witnesses who come from out of town for overnight stays. If a hardship is involved, communicate with the other party and request the court to allow the presentation of testimony by a witness "out of turn."

As of July 1, 2005 all licensing and administrative hearings involving the South Carolina Department of Consumer Affairs have been moved to the Administrative Law Court. All filings must also be made with the Administrative Law Court using the court's forms and rules.

Just a reminder....

As of June 1, 2005, SC citizens can receive

FREE CREDIT REPORTS.

log on to

WWW.ANNUALCREDITREPORT.COM

or call

877.322.8228.

**you can also print out a form at
<http://www.ftc.gov/credit>
and mail it to:**

**Credit Report Request Service
PO Box 105281
Atlanta GA 30348-5281**

You can get a report once every twelve months from each of the three major credit reporting agencies. You may order all three at once, or one at a time. If you find errors, in your report you can dispute them with the reporting agency. Your credit report will be processed and should be sent to you within 15 days. **Beware of pop-up ads, links, and e-mail claiming to be from annualcreditreport.com or any of the credit reporting agencies. The annual credit report website and number are the only authorized sources to get your free credit report. Forward any attempts to get your personal information to the FTC's deceptive spam database at spam@uce.gov.**

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